

**TOWN OF DAVIE
WORKSHOP MEETING
SEPTEMBER 14, 2006**

The meeting was called to order at 6:33 p.m. and was followed by the Pledge of Allegiance.

Present at the meeting were Mayor Truex, Vice-Mayor Crowley and Councilmembers Paul, Starkey, and Caletka. Also present were Acting Town Administrator Cohen, Town Attorney Kiar, Budget and Assistant Town Clerk Barbara McDaniel recording the meeting.

FIRE ASSESSMENT

Fire Chief Don DiPetrillo explained that this was a rate adjustment based on the Council's request. The assessment was set at \$105, which was \$1 less than the previous amount and represented approximately \$50,000. Mr. Cohen said an additional \$1 reduction would not impact any services.

Mayor Truex opened the discussion to the public with there being no speakers.

Councilmember Caletka made a motion, seconded by Vice-Mayor Crowley, to set the Fire Assessment at \$104. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

SOLID WASTE ASSESSMENT

John Albert, representing Waste Management, stated that when the contract was bid 18-24 months ago, there was a clause specifying 1.66 tons of waste per single-family residence in one year, based on a county average. The contract specified that the Town would perform a generation study to determine the correct number, and this figure would be retroactive to the contract and the rate would be adjusted accordingly. The study had determined the amount to be over two tons, which translated into an additional \$45 per household, per year. The increase in the fee was not just for the increased weight, but also for the cost of the generation study spread out over the life of the contract. Mr. Cohen noted that the tipping or disposal fee could increase as well.

Mayor Truex asked how the new rate compared to the cost before they re-bid. Program Manager Susan Dean said this was lower than the previous cost.

Mr. Cohen explained that the contract had specified that the study be conducted and that the consultant who performed the study was selected by the Town and paid for by Waste Management. Mr. Cohen stated that the study had been conducted working around Hurricane Wilma, because the bulk portion of the study would have been skewed. This rescheduling had also added to the time it had taken to conduct the study.

Ms. Dean remarked that prior to last year, they could not handle the bulk trash that they could now. Prior to the contract change, residents were allowed two cubic yards per bulk pickup and now they were allowed 15 cubic yards.

Vice-Mayor Crowley did not feel the study was accurate because some residents were still cleaning up after Hurricane Wilma. Mr. Cohen informed him that September 30th marked the end of the second year of the five-year contract. Vice-Mayor Crowley asked what the consequences would be if the assessment were denied. Mr. Cohen explained that the Town would not have the \$5 to \$6 million revenue, but Waste Management must still be paid, per their contract. He said the cost of the study was over \$100,000.

Mr. Albert noted that the costs would have increased no matter who had the contract because of the changes revealed by the study. Waste Management knew the old figure was inaccurate because they had been providing the service, which this was why they had included the requirement for a generation study. Mr. Cohen said a new study could be conducted when the contract was renewed. He noted that the service the residents were receiving prior to the current contract was considerably more than what was provided for in the contract. Mr. Cohen confirmed for Vice-Mayor Crowley that the cost for the study

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represented 26% of the 34% increase. Mr. Cohen explained the dates when the study had been conducted and said the engineers had factored in all of the variables needed to create an accurate profile.

Councilmember Paul remembered that staff had indicated that the figure was “not in stone - it may come down” but it had not. Mr. Cohen said this was prior to staff’s checking all the numbers. Councilmember Paul felt there must be a better way to do this since they essentially had no choice but to raise the assessment, or they could not collect the fees needed to pay the contract amount. She felt there were many areas of the contract that needed to have a little “tweaking.” Mr. Cohen agreed and said that in addition to staff review, a committee of the general public should review the contract to make sure all concerns they had were addressed in the next contract.

Mayor Truex wanted to negotiate having another study conducted. Mr. Cohen agreed, but noted that they could run into the same problem, as there could be another hurricane. He said the Town had no choice but to go with what the engineer had told them.

Mayor Truex opened the discussion to the public.

Bob Nettina, 510 Greeton Avenue, agreed that the Town was “in between a rock and a hard place” but felt the study should have been conducted prior to signing the contract. He thought the service had declined, noting that he now had to take his excess garbage to the dump. Mr. Nettina felt Waste Management had “low balled” the first estimate. Ms. Dean reiterated that the original estimate of 1.6 tons per household, per annum was based on a Broward County generation study, and added that both bids were based on this figure. During contract negotiations, the generation study had come up.

Raymond Baechle, 6420 West Falcon’s Lea, said he had been opposed to the fee since it was instituted last year. He felt that virtually no one generated the estimated two tons per year.

Jorge Bernol said he had taken furniture to the dump himself and been charged \$2.75 per 100 pounds, to which he objected since he was paying the assessment. Mayor Truex felt the Town was not communicating the trash rules to residents. Council advised Mr. Bernol to take advantage of bulk pickup and not take trash to the dump where he would be charged. He must be aware of the proper days bulk pickup was scheduled in his neighborhood. Councilmember Starkey said this information was available online and also in the Davie Update.

Steven Paterson, 8013 SW 29 Street, agreed that the study results might be skewed because of the hurricane, and suggested the Council postpone this issue until they could compare the generation numbers from other communities. Councilmember Starkey was sure Ms. Dean was aware of the studies done in other communities, but noted that Davie tended to generate more trash because the residents had more acreage and trees than smaller cities. Ms. Dean stated that it was very difficult to compare communities, because it depended on how much bulk trash a community was allowed to put out, and how often they had collection.

There being no other members of the public wishing to speak, Mayor Truex closed the public discussion.

Mayor Truex did not like the increase, but it was a contract, and they had no other choice right now than to approve. He stated that part of the reason for the large increase was that it was retroactive and if the residents did not pay for it this year, the increase would probably be worse next year.

Councilmember Starkey felt the Town had negotiated the best price possible and had worked with residents to find a better compromise plan for the bulk trash. She thought that the consultant selected through the RFP process was competent and qualified, and that the negotiations with Waste Management were transparent and fair. Councilmember Starkey agreed it was a shame to see such a large increase, but felt they had done their best.

Councilmember Caletka said he would enter a “protest vote” against it because he felt the study was flawed. Mayor Truex said he intended to protest vote as well, but hoped the entire Council would not.

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Vice-Mayor Crowley felt that this additional burden along with the tax bill in a lump sum, instead of monthly or quarterly, made it more difficult to afford. He favored returning to the old system with more frequent billing.

Councilmember Starkey said she hoped the Council would not vote against the contract in protest when there was noting they could do about it.

Councilmember Paul said that Council had decided to add the assessment to the tax bill instead of periodic payments because there were some residents who were delinquent in paying their bills, and this method provided a control over the money. She agreed with Mayor Truex that the Town was bound because of the contract and as much as she might like to enter a protest vote, she would vote for it rather than risk putting the Town in a worse financial situation.

Mr. Cohen agreed to compile the information from generation studies in other municipalities and present it to Council to consider whether another study was warranted. This issue could be handled separately from the other budget review processes.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve the waste assessment. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - no; Councilmember Caletka - no; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 3-2).

7. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 7:46 p.m.

Approved_____

Mayor/Councilmember

Town Clerk

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